

**The change of SINAES in 2017:  
articulation of the coalition defending education as a commodity**

*A mudança do SINAES em 2017:  
articulação da coalizão defensora da educação como mercadoria*

*El cambio del SINAES en 2017:  
articulación de la coalición que defiende la educación como mercancía*

Marconi Neves Macedo<sup>1</sup>

Universidade Federal do Rio Grande do Norte

Maria Arlete Duarte de Araújo<sup>2</sup>

Universidade Federal do Rio Grande do Norte

**Abstract:** In the context of dispute between actors defending higher education as a right, on the one hand, and as a commodity, on the other, this article deals with the change of SINAES, in 2017. The analysis was based on the reference of the Pentagon of Public Policies (PPP) and the Advocacy Coalition Framework (ACF) and used the collection of an extensive documentary trail that broadly records the discussions that led to the change. It remains clear that the change resulting from the public action of the private coalition used its technical knowledge in its interactions in the subsystem of the aforementioned public policy to promote an institutional change that resulted in the accommodation of an important part of its interests, making it difficult to implement higher education as a right.

**Keywords:** SINAES; Public Policies Pentagon (PPP); Advocacy Coalition Framework (ACF); Commodity Coalition; 2017 Changes.

**Resumo:** No contexto de disputa entre atores defensores da educação superior como direito, de um lado, e como mercadoria, de outro, o presente artigo trata da mudança do SINAES, em 2017. A análise apoiou-se no referencial do Pentágono das Políticas Públicas (PPP) e do Advocacy Coalition Framework (ACF) e se utilizou da coleta de um farto rastro documental que consigna amplamente as discussões que conduziram até a mudança. Restou evidenciado que a mudança decorrente da ação pública da coalizão privatista utilizou o seu conhecimento técnico nas suas interações no subsistema da referida política pública para promover uma mudança institucional que resultou na acomodação de parte importante dos seus interesses, dificultando a efetivação da educação superior como um direito.

**Palavras-chave:** SINAES; Pentágono das Políticas Públicas (PPP); Advocacy Coalition Framework (ACF); Coalizão da Mercadoria; Mudanças de 2017.

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<sup>1</sup> Doutor em Administração pela Universidade Federal do Rio Grande do Norte (UFRN). Professor Adjunto do Departamento de Administração Pública e Gestão Social (DAPGS) da UFRN. Natal, Rio Grande do Norte (RN), Brasil. E-mail: [marconi.macedo@ufrn.br](mailto:marconi.macedo@ufrn.br). Lattes: <http://lattes.cnpq.br/0789522884294004>. ORCID: <https://orcid.org/0000-0002-8684-2983>.

<sup>2</sup> Doutora em Administração pela Fundação Getúlio Vargas de São Paulo (FGV/SP). Professora Titular Voluntária do Departamento de Administração Pública e Gestão Social da Universidade Federal do Rio Grande do Norte (UFRN). Natal, Rio Grande do Norte (RN), Brasil. E-mail: [mariaarlete1956@gmail.com](mailto:mariaarlete1956@gmail.com). Lattes: <http://lattes.cnpq.br/8538092783362714>. ORCID: <https://orcid.org/0000-0002-4137-4266>.

**Resumen:** En el contexto de disputa entre actores que defienden la educación superior como derecho, por un lado, y como mercancía, por el otro, este artículo aborda el cambio del SINAES, en 2017. El análisis se basó en la referencia del Pentágono de Políticas Públicas (PPP) y el Advocacy Coalition Framework (ACF) y utilizó la recopilación de un extenso rastro documental que registra ampliamente las discusiones que llevaron al cambio. Queda claro que el cambio resultante de la acción pública de la coalición privada utilizó su conocimiento técnico en sus interacciones en el subsistema de la citada política pública para impulsar un cambio institucional que resultó en la acomodación de una parte importante de sus intereses, convirtiéndolo en Difícil implementar la educación superior como un derecho.

**Palabras clave:** SINAES; Pentágono de Políticas Públicas (PPP); Marco de Coalición de Defensa (ACF); Coalición de Mercancías; Cambios de 2017.

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## Introduction

When analyzing a specific public policy, it is possible to perceive the existence of objective contours established by the state institutional framework in which it develops itself, as well as subjective contours constructed by the political forces at play involving the stakeholders interested in it. The situation of the Brazilian state public policy for higher education assessment, consigned in the National System of Higher Education Assessment (SINAES), would not be different. Implemented from Federal Ordinary Law No. 10,861, of April 14, 2004, this system consolidates tools from previous mechanisms for assessing higher education, advancing to enable the establishment of links between evaluation and the regulatory and supervisory functions exercised by the State over the sector.

Thus, SINAES establishes an evaluative logic that simultaneously includes the evaluation of higher education institutions, courses, and student performance. Its original evaluative perspective is not punitive; on the contrary, it seeks to establish over time benchmarks for the continuous improvement of quality in these three evaluated segments, in a truly normative conception.

However, the relationship established with supervision and regulation, as mentioned in the law itself, ends up generating potential effects of restriction on the actions of institutions and on the offering of courses that may present very negative or persistently negative results, such as the prohibition of offering new vacancies for certain courses or the hindrance of regular operation of higher education institutions.

This relationship between evaluation, supervision, and regulation is observed with attention among the actors working in the sector, especially the institutions and

their courses. However, this observation, as expected, does not reduce the public action (Lascoumes; Les Galès, 2012) of these agents to solely the pursuit of compliance of their activities with the norms of this system; on the contrary, it is expected that through policy-oriented learning (Sabatier, 1998) they seek changes in the public policy subsystem in which their activities are embedded.

With due awareness of this reality and realizing that in 2017 there were substantial changes in the regulations that constitutes SINAES – especially regarding some evaluative criteria of higher education institutions and courses – it is important to investigate how this institutional structure modification occurred. This includes the questioning of its previous version until the determination of the new content that was consigned in the regulation, seeking to reveal especially who led this process.

Therefore, for the adequate understanding of SINAES as a public policy subsystem in the proposed analysis, it is important, firstly, to characterize its actors in the cognitive matrix field and its institutional structure in the normative matrix field (Muller; Surel, 2002). After that, it is important to briefly present the political forces at play among these actors based on their beliefs (Sabatier, 1998), which involve education as a right on one hand and as a commodity on the other hand, which influences how activities in higher education should be conducted and, consequently, the perspective of its evaluation, supervision, and regulation.

In the late 1980s, in a context of rearticulation of global political forces after the conversion of the world political-economic platform from a bipolar arrangement to a multipolar arrangement, a relevant discussion about the model of higher education was observed both internationally and in Brazil. In the perspective initially defended by the Organization for Economic Cooperation and Development (OECD), higher education should be structured combining efforts from the public and private sectors, so that it could meet the suppressed demand for a training effectively capable of contributing to economic growth and development (Taylor, 1987).

In this proposal, in general terms, the role of the State was to promote public policies especially regarding the financing of the sector, while the role of the market would be to accommodate the demand for expanding the access to higher education. This dual environment led essentially to the formation of two distinct groups of actors composed of both international organizations (such as the World Bank, WTO, and UNESCO) and Brazilian representative entities (ANDIFES and ABMES, among others), including state organs (Ministry of Education and CONAES, among others). Forming coalitions (Weible; Sabatier, 2007), on one side, the actors gathered considering education primarily as a right and, on the other side, considering it as a commodity (Macedo, 2021).

The public action of these coalitions in their interaction processes generated representations that started from their support in their beliefs about higher education (deep core belief) to a dispute aimed at generating changes in the institutional design of its evaluation policy (policy core belief) that were more aligned with their interests, although there were internal disagreements within each of them about the instrumental aspects (secondary aspects) referring to the policy consigned in SINAES (Lascoumes; Les Galès, 2012); (Weible; Sabatier, 2007; Macedo, 2021).

Given the increased participation of private organizations – including for-profit ones – in the sector, it was possible to perceive that the commodity coalition manifested resistance to the control established by evaluation mechanisms implemented via SINAES, especially in view of their potentially restrictive effects on the actions of poorly assessed institutions, during supervision and regulation of their activities in the higher education sector (Macedo, 2021).

From this perspective, it is possible to see the importance of conducting an analysis with the aim of revealing how the actors who believe in education as a commodity, based on their cognitive perspective and policy-oriented learning in the mentioned public policy subsystem (Weible; Sabatier, 2007), articulated to operate the change of the normative matrix of SINAES in favor of interests derived from their beliefs, a fact that occurred with the substantial change of the mentioned system during the year 2017 – which contemplated the normative from the bridge-decree (evaluation-supervision-regulation) to procedural normative ordinances of evaluation, supervision, and regulation.

To fulfill this purpose, the methodology used was the analysis of the extensive documentary trail left by the bodies that make up the commodity coalition in their articulation process with each other and with the other bodies integrating the Brazilian undergraduate higher education evaluation public policy subsystem.

Next, there are the presentation of the public policy established by SINAES in its subjective and objective dimensions, as well as a brief idea of the evolution of the composition of the Brazilian higher education sector, followed by the revelation of the articulation of the commodity coalition in order to promote reforms that were materialized in the 2017 change in SINAES.

### **Characterization of the Brazilian Higher Education Evaluation Public Policy: Cognitive and Normative Frameworks**

Brazilian higher education underwent significant changes in the final decade of the 20th century, influenced by the discourse of neoliberal political-economic perspectives, primarily guided by three ideas: reduction of direct public investment in the sector; allowing

(declared) for-profit organizations to operate in the sector; and training aimed at meeting the needs of the productive world.

The origin of these ideas was the neoliberal State model proposed in the late 1980s, whose configuration for higher education was initially advocated on the document "Universities Under Scrutiny" (1987) from the Organization for Economic Cooperation and Development (OECD), followed by operationalization proposals presented in the document "Higher Education: Lessons of Experience" (1994) from the World Bank (WB), followed by the documents "Higher Education in Developing Countries: Peril and Promise" (2000) and "Constructing Knowledge Societies: new challenges for tertiary education" (2003), all aligned with the three aforementioned ideas (Macedo; Araújo, 2022).

To ensure an environment suitable for this operationalization, two adjustment fronts were necessary: the first, of an instrumental nature, arose with the inclusion of higher education in the list of services covered by the General Agreement on Trade in Services (GATS), an annex to the international treaty that established the World Trade Organization (WTO); the second, of a material nature, was the discussion of the purpose and models of higher education, led by documents such as "Strategies for Change and Development in Higher Education: Policy Paper on Higher Education" (1995), "World Declaration on Higher Education for the Twenty-First Century: vision and action" (1998), and "World Declaration on Higher Education: the New Dynamics of Higher Education and Research for Societal Change and Development" (2009), all from the United Nations Educational, Scientific and Cultural Organization (UNESCO) (Macedo; Araújo, 2022).

Since this international exhortation, which lasted more than 20 years in the presented framework, the actors involved in the Brazilian higher education sector, from state structures to private organizations, including professors and students, began to discuss the sector based on the premises contained in these documents that set two main themes in this agenda: financing and evaluation.

To better understand the Brazilian higher education sector, it is useful to resort to analytical resources that allow the understanding of its nature from two aspects: the institutional environment and the political activity, as pointed out by March and Olsen (1989). In the former, one sees the delineation of procedures and organisms that condition the legitimacy and lawfulness of the actors comprising a given sector; in the latter, it is verified that there are collective actions, with the potential to exert pressure on these procedures and organisms.

In an evolution of this perception, Müller and Surel (2002) establish an analytical arrangement for public policies that presents a normative framework on one side and a cognitive framework on the other side. The former can be understood as the

institutionalization of state parameters, through legislative, executive, and judicial activity, for the productive and political activity of the actors, forming an official understanding structure about the sector. The latter constitutes the recognition that this official understanding structure is conceived, supposedly, as a consensus from diverse cognitive matrices that guide the interpretations of the different actors in the face of the real world, each of them taking into account their own core values.

Thus, it is possible to conceive the existence of reciprocal influences between these frameworks, recognizing the pressures that the institutional environment outlined in the normative framework exerts on the actors, as well as the pressures that these actors exert on the normative framework due to the permanent dynamics of adjusting the consensus that shapes the cognitive framework. Thus, it is possible to perceive the modifying potential that changes in consensus originating from the public activity of the actors have on the institutional structure of a sector.

For a more appropriate analysis from this perspective, of the influences of the cognitive framework on the normative framework, it is important to resort to analytical models that focus on the actors. In this sense, there are useful analytical instruments in the Public Policy Pentagon (PPP), developed in the context of public action discussion, which relates the reciprocal influences between five elements in a public policy subsystem: actors, representations, processes, institutions and results. Combining these resources with the Advocacy Coalition Framework (ACF), which aims to contribute to the explanation of changes in public policies based on policy-oriented learning and the use of technical knowledge by actors in favor of their beliefs (Sabatier, 1998), it is possible to understand how a change in a public policy can be explained by public action.

The Public Policy Pentagon (PPP) focuses on the study of public action and is established from the highlighting of five structural elements: actors, inserted within a given public policy; representations, understood as expressions of the actors' worldview in the political environment; institutions, which constitute the previously agreed-upon boundaries and are established in the environments defined by the State; processes, which are essentially the interactions occurring between these actors in the political arena; and results, understood as the effects generated by public action in the political environment (Lascoumes; Les Galès, 2012).

Also focusing on actors, the Advocacy Coalition Framework (ACF) aims to contribute to the analysis and explanation of changes in public policy subsystems over a period of ten years or more, starting from the identification of coalitions among actors based on the sharing of their beliefs, and considering in a prominent way both the learning of these coalitions in their experience in the public policy subsystem and the use of their technical knowledge as a political resource in that subsystem, in order to influence or promote changes in it (Weible; Sabatier, 2007).

In the case of higher education, including its evaluation subsystem, it would not be different. To properly understand which is context and which is object on this work, it is necessary to make some records.

Firstly, Brazilian higher education operated until the 1980s based on a model in which the discussion about the evaluation of the system did not exist, a theme that began to be included in the agenda with the entry of managerial reforms discussions, of neoliberal origin, in Brazil (BRESSER-PEREIRA, 1993). From discussions related to efficiency, in this context, the discussion about evaluation emerged – originating in the University Reform Evaluation Program (PARU, 1992), followed by the Institutional Evaluation Program of Brazilian Universities (PAIUB, 1993) and the National Exam of Courses (1995) – until the implementation of SINAES (2004), as well as the discussion related to financing that allowed the entry of for-profit organizations into the sector (Decree No. 2,306, of August 19, 1997, and Federal Ordinary Law No. 9,870, of November 23, 1999) and the launch of governmental programs for state financing of access to vacancies in private higher education institutions such as the "Student Financing" (FIES, 2001) and the "University for All" (PROUNI, 2005).

Secondly, since the 2000s, a change in the sector's scenario – especially in its composition in terms of actors – is perceived from these institutional changes that responded to the exhortations of international organizations. These exhortations stimulated the expansion of access to higher education associated with "rationalization" of costs with the opening to the participation of private organizations in the sector, as well as continuous evaluation efforts to ensure the quality of education, this focused on the needs of the productive world, during this expansion process.

Evidently, this environment led to a significant increase in the participation of private institutions in the sector, especially profit-oriented organizations, as can be seen in the tables below:

Table 1 – Numbers of higher education institutions by administrative category

YEAR	Public HEIs	Non-Profit HEIs	For-Profit HEIs	TOTAL
1995	210 (23%)	684 (77%)	-	894
2000	176 (15%)	306 (26%)	698 (59%)	1.180
2005	231 (11%)	414 (19%)	1520 (70%)	2.165
2010	278 (12%)	1.149 (48%)	951 (40%)	2.378
2015	295 (12%)	1.058 (45%)	1.011 (43%)	2.364
2020	280 (11,5%)	862 (35,4%)	1.291 (53,1%)	2.433

Source: INEP, Higher Education Census, 1995 to 2020.

In Table 1, two pieces of data draw attention: in the year 2000, shortly after the permission for the participation of profit-oriented private organizations, there was a steep

decline in the number of non-profit private organizations, suggesting that these converted into profit-oriented ones. Thus, the number of profit-oriented private organizations in 2000, shortly after the permission for their operation in the higher education sector, already exceeded the total number of private organizations in 1995. Another aspect that stands out is that throughout the period covered by the table, these organizations accounted for around half of the total number of organizations in the sector.

Tabela 2 – números de matriculados em cursos de graduação

YEAR	Public HEIs	Not-Profit HEIs	For-Profit HEIs	TOTAL
1995	700.540 (40%)	1.059.163 (60%)	–	1.759.703
2000	887.026 (33%)	926.664 (34%)	880.555 (33%)	2.694.245
2005	1.192.189 (27%)	1.507.783 (34%)	1.753.184 (39%)	4.453.156
2010	1.643.387 (23%)	2.697.589 (42%)	2.066.473 (32%)	6.407.449
2015	1.880.641 (24%)	2.752.320 (35%)	3.328.769 (42%)	7.961.730
2020	1.929.995 (22,3%)	1.890.740 (21,8%)	4.833.599 (55,9%)	8.654.334

Source: INEP, Higher Education Census, 1995 to 2020.

In Table 2, it is possible to perceive that these organizations grew progressively in terms of percentage and dramatically in terms of the number of enrolled students, which is an important indicator of their participation in the sector, as they gained significant relevance in the face of these numbers.

Private sector actors, especially profit-oriented organizations, made their presence felt in the sector through their public action, participating in discussions about evaluation. This was because it implied both potential risks for their free operation in the sector in view of the connection with supervision and regulation and demands related to the investment necessary to ensure the quality standards established in the normative framework of SINAES.

The fact is that this group of actors holds the belief that higher education is a commodity – essentially aligned with international organizations – and is antagonized by another group of actors that sees education as a right – representative entities of the three categories of academic communities of public higher education institutions with support in the current Brazilian Constitution. This ended up enabling, considering the ACF, the perception that there are two coalitions, from the perspective of the cognitive framework, vying for prominence in shaping the consensus that guides the establishment, in the normative framework, of what the official understanding of quality in higher education should be (Macedo, 2021).

Considering that there was a significant change in the normative framework of SINAES in 2017, including the bridge-decree, normative ordinances of the Ministry of Education (MEC), and evaluation instruments for institutions and courses – which accommodated many interests of the commodity coalition (Macedo; Araújo, 2022) – it is important to study how these changes occurred to reveal the participation of the actors and the strategies used.

### **The strategy of the coalition of education as a commodity to construct changes in SINAES**

When considering the evolution of higher education assessment in Brazil, it is observed that it was after the implementation of SINAES that the mobilization of actors became more intense for the discussion of this issue.

The coalition of education as a commodity (Macedo, 2021) was more active since the year 2008, especially with the success in pressuring for the alleviation of regulatory processes substantiated in the creation of the Preliminary Course Concept (CPC) and the General Courses Index (IGC), which were used as reference to streamline these procedures regarding undergraduate courses and higher education institutions, respectively (Ikuta, 2016).

In the face of the establishment of SINAES, the first initiative of the education as a commodity coalition was to anticipate the Ministry of Education in proposing university reform legislation, through Bill No. 4.212/2004, authored by Deputy Átila Lira. The author of this project clearly represented the interests of privatist actors active in the higher education sector at the time, judging by the statement he made spontaneously during a Public Hearing promoted by the Special Committee of Bill No. 3.284/2004 (which proposed the creation of PROUNI):

DEPUTY ÁTILA LIRA – I am a privatist, I want us to open up. I am a socialist privatist. (Laughs.)

[...]

DEPUTY ÁTILA LIRA – In reality, I am a social democrat. The social democrat is the privatist who is preparing a new State for socialism. (Laughs.)

[...]

PRESIDENT (Deputy Átila Lira) – My dear participants, yesterday, Professor Dalmo Dallari invited us to meditate on the fact that education is a public good. Therefore, we cannot consider this educational activity as purely economic without seeing its public nature. Professor Gabriel, who is a mediator, must also reflect on the public nature of educational activity from an economic point of view (Brazil, 2004).

However, the project did not progress, especially because at the historical moment of the early years of SINAES there were many initiatives that proposed to address university reform in bills, which ended up overloading the discussion and making its systematization very difficult.

It is important to link this situation to Minister Fernando Haddad's statement in 2009, referring to this and other bills of that time as obsolete, as the Ministry of Education was accommodating some requests made by the commodity coalition through other institutional means, such as the opening of a financing line in BNDES for private institutions (Brazil, 2009b).

Following the revelation of this means of meeting the interests of the private education sector, the actors of this group abandoned the legal level discussion and began to make efforts in the dimensions of regulation and instrumentalization of SINAES, which effectively established the effects of the link between assessment on one side, and supervision and regulation on the other. Thus, an agenda was initiated to establish a closer relationship with state bodies to enable political pressure on these bodies to meet their interests.

Understanding that the discussions of this moment would condition the process of (re)construction of higher education regulations – contemplating the dimensions of assessment, supervision and regulation – the representative entities of private higher education institutions, isolated and community ones, requested from the then Minister of Education, Fernando Haddad, greater participation of their representations in the evaluation committees – Technical Evaluation Committee (CTA) of INEP and National Higher Education Assessment Commission (CONAES) of SINAES – and in the construction of the bridge-decree that would transition to the new regulation model, with the connection and inclusion of assessment, until the approval of the university reform law. The presidencies of the National Association of Private Universities (ANUP) – Heitor Pinto Filho –, the Brazilian Association of Community Universities (ABRUC) – Aldo Vanucci – and the National Association of Isolated Colleges (ANAFISO) – Naira Amaral – participated in this occasion. Another relevant request made by these entities to the Ministry: the joint disclosure of the results of the three assessment dimensions that constitute the object of SINAES – assessment of institutions, courses, and student performance –, welcomed by the Minister (Brazil, 2005).

For better internal articulation of the actors of the group itself, the Forum of Representative Entities of Private Higher Education (FÓRUM) was created on April 9, 2008. This body was the result of an articulation made by the Brazilian Association of Maintainers

of Higher Education (ABMES), the Brazilian Association of Colleges (ABRAFI), the National Association of University Centers (ANACEU), and the Union of Maintainers of Higher Education Establishments of the State of São Paulo (SEMESP).

Over time, the Forum expanded with the addition of other organizations, including representative entities of actors in basic education, such as the National Federation of Private Schools, which ended up constituting the most important gathering place for private initiative actors on a national scale regardless of the level at which they operate – basic education or higher education (Forum, 2020).

The purpose of the Forum is "strong action with the Ministry of Education and the National Congress", having declared itself "an important locus of sector discussion" in presenting alternatives to the problems faced by the institutions it represents and by Brazilian education. Its activity consists essentially of "monitoring and presenting proposals for innovation in legislation and public education policies, aiming to adapt them to the reality of Brazilian higher education, which presents great diversity". Its way of operating is by promoting various events that address "important themes for higher education in Brazil, such as the challenges of its expansion with quality; assessment and regulation systems", among other topics (Forum, 2020).

A attentive analysis of the organization's website allowed the revelation, in a detailed and organized manner, of its two main strategies, substantially documented: (a) the periodic promotion of Higher Education Congresses, with each edition bequeathing a respective letter as a product; and (b) holding frequent meetings with the Ministry of Education to address specific agendas previously elaborated and presented in official communication between them. These two strategies will be detailed conjointly based on an approach guided by the chronological evolution of the measures taken by the organization.

The product of the I Congress of Higher Education, organized under the theme "**Challenges of growing with quality and quantity**", was the Recife Letter, of September 2008, which mentioned the need for mechanisms of assessment, regulation, and supervision of higher education to have enduring rules, as well as to allow legal certainty, and demanded compliance with the legal provisions of SINAES in order to undo the preponderance of National Student Performance Exam (ENADE) and to consider quality as the product of a systemic evaluative set that would give more evidence to course assessment and institutional assessment (FORUM, 2008).

At the II Congress of Higher Education, with the theme "**Crisis, reality, scenarios, trends and future of Brazilian education**", the Araxá Letter was bequeathed, in June 2009, which touched on the evaluation issue defending mainly three ideas: (a) that effective

evaluation instruments should consider the diversity among institutions and courses; (b) that it was necessary to discuss distortions in evaluation instruments and criteria for the composition of the CPC; and (c) that the function of INEP was to evaluate and not to inspect (Forum, 2009a).

Regarding the issue of evaluation instruments and criteria, specifically, on July 3, 2009, the FORUM sent a letter to the Ministry of Education reporting difficulties in the relationship with the Ministry and also alleging distortion in evaluation instruments regarding teaching body aspects, requesting at the time the provision of suspending the effectiveness of the items related to this criterion, especially regarding the Structuring Teaching Core (NDE) and its effects on the policy of hiring professors in relation to the issue of qualification, which imposed financial burden on HEIs (Forum, 2009b).

The discomfort manifested by the sector represented by the FORUM was clarified by Celso da Costa Frauches, Senior Consultant of the Latin American Institute of Educational Planning (ILAPE) and had arisen from the edition of Ordinance No. 821/2009-MEC, which began to establish a minimum of 20% of teachers with a doctorate degree as input for the calculation of the CPC. The reason alleged for the dissatisfaction, in the understanding of the Senior Consultant, was the shortage of doctors observed based on the data from the 2008 Higher Education Census. However, it cannot be overlooked that this element is responsible for a significant impact on the payroll costs of private HEIs (Frauches, 2009).

The fight against alleged distortions in evaluation instruments remains in the Florianópolis Letter, of April 2010, resulting from the III Congress of Higher Education – **"The private sector as an actor and partner in the construction of the National Education Plan (PNE)"** – in which the entity recorded the need to respect the heterogeneity of the Brazilian educational system, based on the Federal Constitution, Law No. 9.784/1999 (Federal Administrative Process) and the SINAES Law (Forum, 2010).

Alignment with the guidelines of the OECD, WB, and WTO is evident, especially in the defense of the diversification of types of higher education institutions so that SINAES should be able to promote the evaluative process without disrespecting the differences naturally resulting from this diversity in Brazil – colleges, university centers, and universities. This aspect constitutes an important element for the implementation of the training flexibilization guideline, and consequently of higher education institutions, originated from international organizations.

In this regard, ABMES, a member of the FORUM and one of its main organizers, dedicated Edition No. 22 of its "Notebooks" in 2011 to publish a unique work titled **"Assessment in higher education: successes and slips,"** authored by Cláudio de Moura

Castro, Aldo Giuntini, and Luciana Lima. Divided into three parts, the work (a) compares the quality of higher education between public HEIs and various modalities of private HEIs through the analysis of data from INEP, (b) questions the statistical procedures used by MEC to compose the evaluations, and (c) explores the "rich mine of information residing in INEP data on higher education". The intention was to address questions like "does the institution offering the best education also provide a more pronounced gain of knowledge for its students?". Using a quantitative methodological approach, it proposes the absence of correlation between the IGC and scores in ENADE, in an evident use of technical knowledge to hit the reliability of the SINAES evaluation system (Abmes, 2011; Sabatier; Weible, 2007b).

During this same period, on February 8, 2011, the FORUM met with then Minister of Education, Fernando Haddad, who declared that the MEC was "opening its doors for the sector to debate important issues for the development of education". On this occasion, the Minister noted the presence of Guilherme Marback as a representative of the private sector in CONAES, whose first meeting in 2011 was opened with a request from the Minister himself for the review of a document produced by the FORUM on the evaluation of higher education. Furthermore, Haddad noted that he had attended the FORUM's year-end celebration dinner the previous year, signaling a willingness to engage with the private sector (Forum, 2011h).

Initiating negotiations directly with INEP, ten days later in this meeting, on February 18, 2011, the FORUM sent a document to the then President of the agency, Malvina Tânia Tuttman, identifying issues that it understood as problems in a Technical Note issued nine days earlier, as they would harm HEIs from a regulatory perspective. More specifically, these issues were related to the reaccreditation and renewal processes of course recognition. Facing this, the organization requested a 30-day extension of the deadline set by the Technical Note. INEP's response was negative, endorsed by the Director of Higher Education Assessment, Cláudia Maffini Griboski, who denied inconsistencies or problems in the Technical Note, classifying the issues raised by the FORUM as doubts arising from its interpretation process. Thus, its content remained unchanged, although the deadline extension request was accommodated (Forum, 2011d).

On April 6, 2011, there was another meeting between the FORUM and the MEC, represented by its then Secretary of Higher Education (SESu), Luiz Cláudio Costa, and by its then Secretary of Distance Education (SEED), Luís Fernando Massonetto. On this occasion, it was noted that both Secretaries agreed that the requirement of a doctoral degree to the teaching body in assessment instruments needed to be reviewed, as well as the guidelines for new assessment instruments, which were being developed by CONAES, would await the results of the FORUM's dialogue with SESu for their finalization (Forum, 2011g).

In May 2011, a commitment was made to presenting proposals for updating the assessment instruments for courses, an opportunity in which the FORUM forwarded a document with proposals to the MEC, CONAES, and INEP. In this initiative, the FORUM expressed the understanding of the need for a separation between assessment and regulation, considering that the attempt to induce quality through the adoption of stricter criteria ended up causing negative effects in the regulatory process, arguing that induction turned into coercion. It also expressed the understanding of the need for a scientific basis for the choice of indicators and their criteria. Also criticized were the use of the CPC and the IGC, which have a merely preliminary character, as criteria for making definitive regulatory decisions, as well as requirements regarding the qualifications, work regime, and scientific production of the teaching staff, as well as requirements regarding the collection of bibliographic materials and scientific journals to be made available by HEIs to their students (Forum, 2011a).

In the consignment of the product of the IV Congress of Higher Education – "**The challenge of putting 10 million students in higher education**" – held in May 2011, the Letter of Salvador recorded that the advances in the assessment of higher education promoted by the implementation of SINAES, brought by Law No. 10,861/2004, i.e., in its legal dimension, were recognized. However, the letter argued that it was still necessary to address controversial points embodied in the creation of indices, instruments, their indicators, and weights for a more objective measurement of quality and in order to allow the increase of justice and harmony in the educational system (Forum, 2011c).

On July 5, 2011, a meeting was held with maintainers in which some proposals related to assessment and its effects were systematized, such as the project to expand the number of enrollments by 10 (ten) million, the discussion of the relationship with the MEC, and the need to await the conclusion of the assessment process – beyond the consideration of the CPC – for the consolidation of any insufficient concept and consequent impediment to access to FIES by HEIs. In addition, it was said that the MEC had mentioned that there would be a new review of Ordinance No. 040/2007-MEC, considering the contributions of the private sector that would be presented by the FORUM. It was also noted that the presence of the then Minister of Education at the entity's year-end dinner had been interpreted by the maintainers as a positive sign and that the then new management of the Higher Education Secretariat had constituted a positive change for the private sector. Finally, on this occasion, Cláudio de Moura Castro presented his aforementioned work "**Assessment in higher education: successes and slips**", stating that the data obtained in the assessments of higher education were used tendentiously to the detriment of the private sector and that the difference between the public sector and the non-public sector was much smaller than imagined (Forum, 2011e).

In another meeting with the MEC, held in July 2011, the FORUM representatives expressed dissatisfaction with the fact that, although there was recognition of the goodwill of the Secretaries, few issues had been addressed in the previous 6 (six) months. Disagreeing with this statement, the Secretary of Higher Education, Luiz Cláudio Costa, listed four themes in which requests from the FORUM had been met, among them the assessment of higher education, with adjustments in the regulatory dimension and the instrumental dimension of SINAES, more specifically in Decree No. 5,773/2006 ("bridge-decree") and in Ordinance No. 040/2007-MEC. On this occasion, the receptivity of the MEC representatives to the intention to expand the number of enrollments by 10 (ten) million, which should be recorded in a pre-project by the FORUM so that the Ministry could assess its feasibility, was noted. Furthermore, the FORUM insisted on establishing parity between the private sector and the public sector in representations to collegiate bodies related to higher education and the assessment of higher education, such as National Education Council (CNE), Technical Assessment Monitoring Committee (CTAA), and CONAES. Finally, regarding assessment, the FORUM made available to the Higher Education Secretariat (SESu) and the Regulation and Supervision Secretariat (SERES) copies of the study "Assessment in higher education: successes and slips", edited by ABMES (Forum, 2011f).

The Legal Consultant of ILAPE, Gustavo Monteiro Fagundes, recorded in August 2011 the dissatisfaction of the private sector with the "cabalistic formulas" for calculating the IGC and the CPC at the time, addressing again the issue of the qualification of the teaching staff in the assessment and regulatory processes. According to him, the assertion made at the time by the MEC that the increase of graduated-only teachers in the staff of private HEIs was a resource to reduce the cost of offering education was fallacious (Fagundes, 2011).

Another relevant aspect for the private sector, discussed by the FORUM in September 2011, was the issue of the transfer of maintenance, regulated at the time by Decree No. 5,773/2006. The entity had already presented a proposal for a draft to reform the normative provisions related to this subject, aimed at facilitating its realization (Forum, 2011b).

In March 2012, the FORUM sent to the then Secretary of Regulation and Supervision of Higher Education, Luiz Fernando Massoneto, a letter recording the lack of response to several requests, indicating as solutions to these the abandonment of the IGC and the CPC as objects of higher regulation, considering their purpose to serve as references for on-site assessment, as well as the elimination of the restrictions that these indicators caused in access to FIES and PROUNI. Furthermore, the entity emphasized that the assessments to be considered were the dimensions provided for in the SINAES Law – institution assessment, course assessment, and student performance. Regarding assessment instruments, it reiterated

the need for SERES to consider the diversity of courses and institutions, as well as reiterated the request for parity of private and public representation in collegiate bodies of the higher education system (Forum, 2012b).

Approximately three months later, in June 2012, the organization released the publication "**Forum: from proposal to action – results of approved letters in the first four editions of the Brazilian Congress of Private Higher Education (2008-2011)**", during its fifth edition. The initiative aimed to document the entity's initiatives in its first 4 (four) years of operation, with emphasis on its self-presentation as a "locus of action of private higher education," its efforts to fulfill the commitments made in the mentioned congresses, the analysis of the representativeness – in numbers – of the private sector in Brazilian higher education and its articulation and action in the National Congress. More specifically about its role in the assessment of higher education, it highlights the articulation with MEC and INEP, materialized in several meetings aimed at discussing and presenting proposals for the revision of SINAES, including the use of technical knowledge endorsed on three occasions: (a) submission to MEC of the study "Assessment and the private sector: a proposal for revision of criteria"; (b) submission to MEC and INEP of the study "Assessment in higher education: successes and slips"; and (c) submission to INEP of the study "Diagnosis and proposals for the Assessment of Higher Education in Brazil", resulted from a Seminar held at ABMES on the theme "Errors and successes of educational assessment in Brazil".

Furthermore, there was the composition of a joint working group between the FORUM and INEP to address the revision of the higher education assessment process, including meetings with MEC, CONAES, and the CTAA, in which a document with revision proposals prepared by the FORUM was delivered. Also, the FORUM discussed with SERES and SESu the regulatory effects of assessment, focusing on the revision of Ordinance No. 040/2007-MEC, towards the dissociation between assessment and regulation, as well as a significant success of the FORUM was recorded, namely, the possibility for courses not yet assessed to participate in higher education financing programs, such as FIES. Finally, in the Natal Letter, also in June 2012, product of the V Congress of Higher Education – "**Challenges of higher education in Brazil**" – the forwarding of "contributing decisively to the improvement of the current model of higher education assessment" in Brazil was recorded (Forum, 2012c; Forum 2012a).

With the increase in openness to the participation of courses not yet assessed in FIES, there is a recognition of the OECD and WB directive for state responsibility for financing even private institutions of higher education.

In August 2012, the Senior Consultant of ILAPE, Celso da Costa Frauches, recorded the resumption of criticism he had made in 2009 to the perspective contemplated by Ordinance No. 821/2009-MEC due to the approval of Senate Bill No. 706/2007, which proposed a minimum percentage of doctors for universities, again due to the shortage of doctors based on data from the Higher Education Census of 2010. Taking the Undergraduate Course Assessment Instrument for analysis, he argued that the requirement of the percentage of qualification for obtaining higher concepts is excessive (Frauches, 2012).

Just under a year later, in June 2013, the FORUM launched Information Bulletin No. 003/2013, containing four topics: (a) opening of a positive agenda with MEC; (b) main ongoing negotiations with MEC; (c) main work fronts of FORUM/MEC in progress; (d) other issues carried out or ongoing between FORUM/MEC; and (e) report of priority bill projects monitored by the FORUM in the Senate and the Chamber of Deputies.

From the perspective of assessment and its effects, the first topic draws attention to the "relief of the payroll burden of the sector," directly related to the discussion about the qualification required for the teaching staff in the assessment instruments.

In the second topic, the revision of the aforementioned ordinance is highlighted, the possible punishment of HEIs only at the end of the evaluation cycle – not only the use of CPC and IGC being sufficient for this –, the sensitivity of the assessment instruments to the three different species of HEIs – colleges, university centers, and universities – and the equal participation in on-site assessment committees.

Regarding the third topic, the two most important points referred to the Consulting Board of the Program for Improvement of Processes for Regulation and Supervision of Higher Education (CC-PARES) and the Working Group on Assessment/Regulation, aimed at contributing to the improvement of the assessment process.

In relation to the fourth topic, essentially, the CPC and IGC were discussed from various perspectives: their form of disclosure, classified by the entity as "media-driven"; the excessive weight of ENADE in the IGC calculation due to the possible lack of commitment of the student body; reduction of the weight of qualification and work regime in the CPC calculation and in on-site assessment instruments, as well as the consideration of these elements progressively among the three species of HEIs.

Finally, in the fifth topic, the Senate Bill No. 706/2007 – which establishes a minimum percentage of qualification and full-time work regime for university professors – the Bill No. 4,372/2012 – which proposes the creation of INSAES – and the Bill No. 4,533/2012 – resulting from the arrival in the Chamber of Deputies of PLS No. 706/2007 – were discussed.

This bulletin, along with the "from proposal to action" document, demonstrate the wide-ranging articulation of the entity in the higher education assessment subsystem in Brazil (Forum, 2013b).

The issues related to teaching body, from the perspectives of qualification and work regime, properly associated with the diversification of types of HEIs, meet the guidelines emanating from the OECD and the WB. This, to the extent that, considering the direction of higher education towards the needs of the labor market, according to the FORUM, it should not be necessary for all teachers to have a high degree of qualification – supposedly important only for research activities – nor should they all have, also, a work regime with many hours at HEIs – given that they would need to carry out their respective professional activities to better qualify their teaching performance.

In August 2013, the Foz do Iguaçu Letter consolidated the referrals of the VI Congress of Higher Education – **"Building paths for tomorrow"** – in order to reiterate the manifestations of the two previous congresses on the assessment of higher education, especially regarding the differentiated treatment among the three types of HEIs and discussions about CPC and IGC (Forum, 2013a).

On the occasion of the VII Congress of Higher Education, in April 2014, its referrals were recorded in the Maceió Letter. In this document, mention was made of the "training of leaders to act in a globalized world and to train the 'global citizen', in line with innovative technologies", evidencing a vision closely aligned with the perspectives of the OECD, WB, and WTO. Increasing the pressure on the already indicated elements of higher education assessment within SINAES, the proposition to eliminate punitive effects arising from CPC and IGC was raised based on the argument that these indicators have no legal support within SINAES and highlighting two more elements that have a strong impact on the cost of HEIs: the possibility of increasing the offer of hours in distance education in face-to-face courses from 20% to 50% and the possibility of considering digital libraries, in addition to physical libraries, in assessment processes (Forum, 2014).

At the VIII Congress of Higher Education – **"Brazil: reality and trends for higher education"** – held in May 2015, discussions focused on issues related to the relationship between actors in the higher education subsystem. In this sense, the Rio de Janeiro Letter recorded the referrals of "seeking harmony in the relationship with public entities responsible for legislation, regulation, and assessment of higher education with reciprocal treatment", "promoting an environment of support and integration between entities and private higher education institutions in the pursuit of efficiency and cooperation among all, focusing on the student and quality education" and "stimulating, through appropriate activities, the emergence of new leaders who contribute to the improvement of the process of academic and business

management in private higher education". This indicated a more assertive stance, as indicated by the previous congress, as well as an agenda of more intense articulation with the state entities of the higher education assessment subsystem. The reference to "academic and business management" is closely aligned with the discourses of the OECD, WB, and WTO, as can be seen from the documents emanating from these organs already mentioned (Forum, 2015).

In April 2016, the IX Congress of Higher Education – "**Brazilian Higher Education: Solutions for a Country that Needs to Advance**" –, the Porto de Galinhas Letter consolidated the actions that constituted the outcome of the articulation promoted by the event. Among the main points highlighted was the mention of the crisis experienced by Brazil at that time, which required efforts to ensure access and retention of economically vulnerable students in higher education in pursuit of employability and citizenship. Regarding evaluation, there was an increase in tension in the relationship with the state structure responsible for conducting higher education assessment, as can be seen from the following excerpt:

to strive with Inep/MEC so that the actions of the Technical Commission for Evaluation Monitoring (CTAA) are always guided by compliance with the constitutional principles of publicity, morality, due process, and broad defense, with prior publication of the trial agendas, permission for maintainers to access the processes and trial locations, as well as the possibility of presenting oral arguments in the respective trials (Forum, 2016a).

A few weeks later, on May 31, 2016, FORUM sent a letter to the Ministry of Education contextualizing the crisis mentioned during the event – especially in the 30 (thirty) days before the impeachment of former President Dilma Rousseff – the implementation of inappropriate and significant changes in the regulations governing higher education assessment at the time, as well as their respective effects on regulation and supervision. Attached to the letter were proposals for revocation or amendment of these normative instruments, highlighting suggestions regarding Decree No. 8,754/2016 – which modified the "bridge-decree" –, Normative Ordinance No. 008/2016-MEC – which created quality indicators and established a working group to discuss their implementation, impacting the indicators – and Ordinance No. 174/2016-MEC – which included the FORUM and not each of its constituent entities in the list of civil entities for the selection of CNE counselors (Forum, 2016c).

It is important to note FORUM's clear understanding of the importance of having its agents circulating in these environments and contributing to the activities of state bodies in order to, from a dual perspective, both keep its members updated and exert influence on the

discussions and decisions of these state bodies. This is a development of the logic applied by countries in representations in international organizations and may constitute private sector access to these environments (Martins, 2018).

The Ordinance No. 008/2016-MEC was revoked due to "deficiency in technical criteria", with the support of INEP to compose this justification. Decree No. 8,754/2016 was revoked in the 2017 change. Finally, Ordinance No. 103/2018-MEC – which was afterwards revoked by Ordinance No. 492/2020-MEC – was issued to meet the request of the body.

On July 18, 2016, SERES/MEC, through Official Letter No. 043/2016, requested FORUM to complement and detail suggestions given by the entity included in the document "Proposed Agenda", received by the state body two weeks earlier, in order to "support new regulations that will replace the regulations to be revoked, in way to ensure the improvement of higher education regulation". This evidenced FORUM's success in its activity in that crisis context, which seems to have been taken as an opportunity to increase pressure to meet the interests of its constituent entities (Forum, 2016d).

This analysis also resonated at the 129th Ordinary Meeting of CONAES, in which its President, Guilherme Marback Neto, who was also the Executive Secretary of FORUM at the time, noted the articulation between it and MEC towards clarifying the competences of CONAES and CC-PARES (Brazil, 2020a).

The reiteration of the approach between FORUM and MEC appears again at the FORUM's December 2016 fellowship dinner, where in his speech the then Executive Secretary Janguiê Diniz acknowledged the presence of "representatives of MEC" to renew the commitment to support the government in meeting the goals set by the National Education Plan (forum, 2016b).

In 2017, the Senior Consultant of ILAPE published the book "**Higher Education: Regulation & Assessment**", in which he understood the relationship between assessment and regulation as follows:

This articulation has been nebulous, without the necessary clarity to identify, in practice, the mission of quality assessment of higher education and the acts of regulation and supervision of MEC.

(...)

The hurried procedures, so far used by MEC, with penalties applied from the incorrect use of IGC and CPC, have brought insurmountable damages to IES maintained by private initiative, generating a severely harmful legal uncertainty to institutional performance (Frauches, 2017, p. 231).

Furthermore, the influence of ABMES alongside INEP is observed, evidenced during the Seminar aimed at presenting the evaluation instruments of institutions and courses in 2017. Although promoted by INEP, it was ABMES who conducted the event and presented

analysis on the mentioned instruments, so it is noted both its prominent role on the occasion and that it is possible to infer a close approximation between the content of these instruments and the interests of the representative entity and, consequently, of its coalition (Abmes, 2017).

It is important to note, finally, regarding ILAPE, that between the beginning of the conduct of this research, at the end of the year 2017, and its conclusion, at the end of the year 2020, there was a modification in the organization's website, and it was observed that this process caused the unavailability of several documents. These documents were extracted by this researcher from the previous version of the page but are no longer found in its current version, some of them having been replicated in the electronic environments of ABMES. Therefore, the documents found in ABMES electronic environments were kept in the analysis presented in this topic and properly referenced. However, it is worth noting the list of partners on the homepage in its current version: ABMES, ABRAFI, AMPESC, ANACEU, ANPI-IES, Atomtech, CRUB, Guide Work, OR Coaching, Raleduc, SEI, Sindesp-DF, Sistema Faculdade, and VG Educacional. It was not possible, therefore, to analyze in a more in-depth way how the organization operates and promotes articulation among its partners or with other partners, but the statements in this topic are sufficient to show the political use it made of its technical knowledge in favor of defending the interests of the private sector in the assessment of Brazilian higher education (Ilape, 2020).

When observing the content of Decrees No. 9,057 (distance education) and No. 9,235 ("bridge-decree"), Ordinances No. 020 (accreditation and re-accreditation of higher education institutions, authorization, recognition, and renewal of course recognition), No. 021 (e-MEC system), No. 022 (supervision and monitoring of courses), and No. 023 (processes related to the topics regulated by Ordinance No. 020), as well as the External Institutional Evaluation Instruments and Evaluation of Undergraduate Courses, all these regulations from 2017, it is observed that many of the demands voiced by FORUM were met.

The events presented, therefore, show that the privatist actors of higher education made an effort to compose a coalition that channeled their common representations, based on the sharing of beliefs about the commodity nature of higher education (deep core belief) and the need for flexibility and softening of its assessment system (policy core belief) – although they disagreed on instrumental aspects (secondary aspects) such as whether the legal or regulatory path was the most appropriate to promote the adjustments they desired.

The processes that occurred in the subsystem of Brazilian higher education assessment policy evidenced that the interactions sought by this coalition were guided by the learning it obtained from its experience in policy and that, based on the support of the technical

knowledge it held, it acted in order to produce the institutional change result it desired, accommodating its interests regarding assessment, supervision, and regulation of higher education, manifested in the normative reform of 2017 that took place within SINAES.

## Conclusion

After the proper analysis of the data collected, it is important to reaffirm a methodological choice: although FORUM is formalized as an organism, it expressly self-identifies as the "locus" of the private sector. Thus, it was not taken as an actor, but as a resource for articulating the commodity coalition in order to change the technical regulations on higher education in the direction desired by the private sector.

In this context, it is essential to highlight the prominent participation of ABMES within FORUM itself and, consequently, in the articulation with the state bodies of the higher education assessment subsystem.

It is observed, therefore, that there was an intense articulation of the entities that make up the commodity coalition among themselves and with the bodies that animate the state authority over policy in order to present their perspectives and defend their interests. The strategy was characterized, especially, by the creation of a space and systemic and periodic organizational practices based on the production of technical knowledge and the promotion of events that verbalized and legitimized their desires.

An important aspect, which refers to thinking about the governance of the subsystem, was FORUM's perception of the importance of having seats in the collegiate bodies responsible for policy, such as CONAES and CNE, an agenda that was repeatedly presented to the Ministry of Education.

In conclusion, it is clear that the success achieved by the commodity education coalition was the result of a planned and dense strategy, which demonstrates technical knowledge on the subject and learning guided by politics on how the relationships between actors and with the state function within the internal scope of the SINAES subsystem.

The consolidation of this change imposes a significant increase in difficulties for the education as a right coalition, as its effects over time progressively distance the realization of education as a right and, given the composition of the sector, make it increasingly difficult to reverse this trend.

To deepen studies on this topic, a research agenda aimed at clarifying the governance structure of undergraduate higher education assessment is suggested, noting that the education sector as a whole was one of the first to be conducted under the governance logic

due to the nature of its collegiate decision-making process since the 1988 Brazilian Constitution. In addition to that, it is also important to study the evolution of the composition of the collegiate bodies operating within SINAES to verify possible variations in terms of the public or private origin of their members.

The main limitation of this study arises from the fact that the analysis was made exclusively based on documentary data, of a secondary nature, so it would be desirable to interview the agents identified to expand the results of this work.

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